

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H2/18/99

A Bill

HOUSE BILL 1421

5 By: Representative Vess
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 12-41-503 TO PERMIT THE
10 COUNTY SHERIFF OR HIS DESIGNEE TO DETERMINE THE MANNER
11 IN WHICH CONVICTED INMATES SENTENCED TO COUNTY JAILS
12 SHALL SERVE THEIR SENTENCES; AND FOR OTHER PURPOSES."
13

Subtitle

14 "TO PERMIT THE COUNTY SHERIFF OR HIS
15 DESIGNEE TO DETERMINE THE MANNER IN
16 WHICH CONVICTED INMATES SENTENCED TO
17 COUNTY JAILS SHALL SERVE THEIR
18 SENTENCES."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 12-41-503 is amended to read as follows:

25 "12-41-503. Management of local jail populations.

26 (a) Sheriffs and other keepers or administrators of jails within the
27 State of Arkansas are responsible for managing the populations and operations
28 of their respective facilities in compliance with the laws and constitution of
29 this state and within the requirements of the United States Constitution.

30 (b) Sheriffs nor other keepers or administrators of jails shall refuse
31 to accept any prisoner lawfully arrested or committed within the jurisdiction
32 of the supporting agency of the jail except as necessary to limit prisoner
33 population in compliance with subsection (a) of this section.

34 (c) A sheriff, or his designee, in counties with a population of over
35 two hundred fifty thousand (250,000) persons shall be permitted to determine
36 if persons convicted and sentenced to the county jail shall serve their

1 sentence on electronic monitoring or on weekends when this does not conflict
2 with any court orders.

3 ~~(e)~~(d) When more than one (1) legal jurisdiction (counties and/or
4 municipalities) shares a common jail, the participating jurisdictions may
5 enter into agreements to share the operational costs of such jail.

6 ~~(d)~~(e) When such shared jail is operated and a jurisdiction which is
7 eligible to participate in the shared operation opts not to participate, then
8 in the event that said jurisdiction has prisoners committed to the shared
9 jail, that jurisdiction may be required to pay fixed per diem charges, not to
10 exceed actual costs including capital costs, for each prisoner committed or
11 housed in the jail.

12 ~~(e)~~(f) Agreements with agencies or jurisdictions not eligible for
13 participation in a shared jail operation project may be made for the housing
14 of prisoners, provided the charges assessed do not exceed the actual costs,
15 including capital costs.

16 ~~(f)~~(g) Jails shall accept prisoners of the United States government
17 provided space and staffing are available and the delivering government agency
18 agrees to pay a per diem charge not to exceed the actual costs, including
19 capital costs.

20 ~~(g)~~(h) Nothing in this section prohibits any jurisdiction from entering
21 into a contractual agreement with a private organization for the operation of
22 a jail facility."
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24 SECTION 2. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.
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28 SECTION 3. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.
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34 SECTION 4. All laws and parts of laws in conflict with this act are
35 hereby repealed.
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/s/ Vess